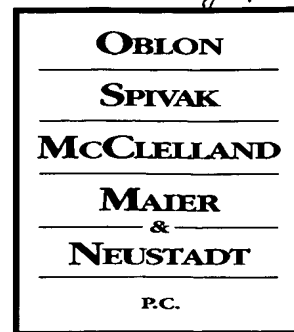




Docket No.: 239656US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/603,858
Applicants: Sentaro SUGITA
Filing Date: June 26, 2003
For: BALL SCREW DEVICE AND METHOD OF
MANUFACTURING THE SAME
Group Art Unit: 3682
Examiner: William C. Joyce

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 239656US3



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SENTARO SUGITA : EXAMINER: WILLIAM C. JOYCE
SERIAL NO: 10/603,858 :
FILED: JUNE 26, 2003 : GROUP ART UNIT: 3682
FOR: BALL SCREW DEVICE AND :
METHOD OF MANUFACTURING THE
SAME

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Official Action mailed December 6, 2005, Applicant provisionally elects, with traverse, Group I, Claims 1-6 drawn to a ball screw device for further examination on the merits in the present application.

Applicant respectfully traverses the Restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

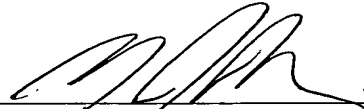
The claims of the present invention would appear to be part of an overlapping search area.¹

¹To do justice to either identified group of claims, it is respectfully submitted that it would be necessary to search in both Classes and subclasses identified in paragraph 1 at page 2 of the outstanding Official Action.

Accordingly, Applicant respectfully traverses the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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